

Introduced by Senator Poochigian

February 24, 2006

An act to add Sections 2933.7, 2933.8, and 2933.9 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

SB 1635, as introduced, Poochigian. Inmates: work credits.

Existing law authorizes the Department of Corrections and Rehabilitation to reduce an inmate's sentenced term of imprisonment through the accumulation of good-behavior credits, and worktime credits by performance in work, training, and education programs.

This bill would state that an inmate shall earn those credits only if he or she is an active participant and completes the program. The bill would render the inmate ineligible for credits for performance in a work, training or education program if he or she elects to leave the program prior to its completion without proper cause, or if the inmate is removed from the program due to misconduct or inadequate effort. This bill would require the Department of Corrections and Rehabilitation, in consultation with the Corrections Standards Authority, to adopt regulations to administer the program. The bill would require the Office of the Inspector General to evaluate and report annually on the credit policy mandated by this bill.

Existing law provides for various work and educational programs in the prisons.

This bill would require the department to evaluate all inmates admitted to the custody of the department after January 1, 2007, and other inmates already in the custody of the department, for their educational and vocational capacity levels and for their needs for rehabilitation and ability to lead a constructive life. The bill would require the department to provide each inmate with educational,

vocational, and rehabilitation programs in order to prepare each inmate to lead a self-sufficient life without posing a threat to public safety. The bill would state the intent of the Legislature that these programs be fully funded and that the Inspector General annually monitor and assess the programs.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2933.7 is added to the Penal Code, to
2 read:

3 2933.7. (a) (1) Notwithstanding any other section of law, an
4 inmate assigned to a work, school, or vocational program as
5 provided in subdivision (a) of Section 2933 shall earn credits for
6 the program only if the inmate is an active participant and
7 completes the program. An inmate who elects to leave the
8 program prior to its completion without good cause or who is
9 removed from the program due to misconduct or inadequate
10 effort is ineligible for program credits.

11 (2) For the purposes of this section “active participant” means
12 the inmate meaningfully, regularly, and continuously engages in
13 the activities of the program, as prescribed by the Department of
14 Corrections and Rehabilitation.

15 (b) The Department of Corrections and Rehabilitation shall
16 adopt regulations, in consultation with the Corrections Standards
17 Authority, concerning credits pursuant to this section. It is the
18 intent of the Legislature to encourage inmates to complete
19 assigned work, school, or vocational programs to the extent
20 possible, with the goal of reducing recidivism. It is not the intent
21 of the Legislature to penalize an inmate who may, for good
22 cause, be unable to complete a program.

23 (c) The Office of the Inspector General shall evaluate the
24 impact of this crediting policy on program completion, sentence
25 reduction, and the success upon reentry of prison inmates
26 affected by the policy, and shall report its findings annually to
27 the Legislature and Governor.

28 SEC. 2. Section 2933.8 is added to the Penal Code, to read:

29 2933.8. (a) For each person who is sentenced to the
30 Department of Corrections and Rehabilitation for a felony

1 conviction on or after January 1, 2007, both of the following
2 shall apply:

3 (1) The department shall evaluate the inmate for his or her
4 educational and vocational level of development and capacity
5 and shall comprehensively evaluate the inmate with respect to his
6 or her need for rehabilitation and ability to lead a constructive
7 life.

8 (2) Based on the evaluations conducted pursuant to paragraph
9 (1), the Department of Corrections and Rehabilitation shall
10 prescribe and implement for each inmate a comprehensive
11 rehabilitation program that addresses his or her level of
12 educational development, vocational development, and need for
13 rehabilitation, so as to better equip him or her to lead a
14 constructive life without posing a threat to public safety upon his
15 or her release from prison, as follows:

16 (A) The educational program shall be provided, insofar as the
17 length of sentence allows, to enable each inmate to qualify to
18 pass the California high school equivalency certificate test and to
19 obtain a California high school equivalency certificate, or high
20 school equivalent, while the inmate is incarcerated, if he or she
21 has not yet advanced to that educational level.

22 (B) The rehabilitation program shall be provided to prepare
23 the inmate to lead a self-sufficient life without posing a threat to
24 public safety.

25 (C) The vocational capacity program shall be provided to
26 equip each inmate with vocational skills to assist him or her to
27 maintain a self-sufficient life without posing a threat to public
28 safety.

29 (b) Every inmate in the custody of the Department of
30 Corrections and Rehabilitation prior to January 1, 2007, except
31 for inmates who are serving a sentence of imprisonment for life
32 without the possibility of parole, shall be subject to this section
33 unless the law requires them to be released within 12 months.

34 (c) It is the intent of the Legislature that this program be
35 sufficiently funded and fully implemented so that each inmate is
36 enabled to prepare himself or herself to reenter our community
37 and live constructively without posing a threat to public safety.

38 (d) To the extent that funds are appropriated for this purpose,
39 the department shall accord highest priority and greatest

1 resources in expending funds made available for this purpose, to
2 those inmates who are nearest to release from custody.

3 (e) It is the intent of the Legislature that this program be
4 annually monitored and assessed by the office of the Inspector
5 General, which shall annually report to the Legislature and
6 Governor on the following:

7 (1) The efficiency of in-prison rehabilitation programs in
8 meeting the program's purpose, goals, and mandates.

9 (2) Identify deficiencies and proposed improvements to the
10 programs.

11 (3) Whether the program is proving successful in reducing
12 recidivism and improving the public safety of Californians.

13 (f) None of the provisions of this section shall be construed to
14 create any inmate rights that may be enforced by writ or
15 otherwise.

16 (g) The provisions of this section are severable. Should any
17 subdivision be deemed unconstitutional by a court of competent
18 jurisdiction, the remaining provisions of this section shall
19 survive.

20 SEC. 3. Section 2933.9 is added to the Penal Code, to read:

21 2933.9. (a) The rehabilitation plan enumerated in Section
22 2933.8 shall include an inmate exit plan component.

23 (b) The exit plan shall contain all of the following items:

24 (1) The inmate's proposed principal residence.

25 (2) The inmate's proposed place of employment, or source of
26 lawful income, or educational or vocational program.

27 (3) The inmate's plan of continued treatment or rehabilitation,
28 as needed.

29 (4) The inmate's plan for compliance with all standard and
30 special parole conditions.

31 (5) Any other provisions or requirements the department
32 deems necessary to assist the inmate to reenter our community
33 and live constructively without posing a threat to public safety.

34 (c) Release from the custody and jurisdiction of the California
35 Department of Corrections and Rehabilitation, for those inmates
36 sentenced after the effective date of the bill enacting this section,
37 shall be conditioned upon the following requirements:

38 (1) Completion of the rehabilitation plan in Section 2933.8.

39 (2) Review and approval by the department of the inmate's
40 exit plan.

- 1 (3) Completion of an exit conference in which the inmate is
- 2 presented with a report enumerating all of the following:
- 3 (A) Conditions of parole.
- 4 (B) Any special registration requirements.
- 5 (C) The inmate's "three strikes" status and consequences of
- 6 further violation.
- 7 (D) Medical, counseling, and training resources available upon
- 8 parole.
- 9 (4) The inmate's acknowledgment and signature of each
- 10 element of the report enumerated above.

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